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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,347	02/07/2002	Koichiro Kishima	SON-2363 4610 EXAMINER	
23353	7590 02/24/2004			
RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036			PAK, SUNG H	
			ART UNIT	PAPER NUMBER
			2874	-
			DATE MAILED: 02/24/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
Advisory Action	10/067,347	KISHIMA, KOICHIRO			
Advisory Action	Examiner	Art Unit			
	Sung H. Pak	2874			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address					
THE REPLY FILED 10 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.					
PERIOD FOR REPLY [check either a) or b)]					
a) The period for reply expiresmonths from the mailing date of the final rejection.					
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension see have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension see under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if imely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).					
1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.					
2. The proposed amendment(s) will not be entered because:					
(a) they raise new issues that would require further consideration and/or search (see NOTE below);					
(b) ☐ they raise the issue of new matter (see Note below);					
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or					
(d) They present additional claims without canceling a corresponding number of finally rejected claims.					
NOTE:					
3. Applicant's reply has overcome the following reject	ion(s):				
4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).					
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly					
raised by the Examiner in the final rejection.	(a) a) Duvill not be entered or b)	The will be entered and an			
7. For purposes of Appeal, the proposed amendment explanation of how the new or amended claims wo	ould be rejected is provided belo	w or appended.			
The status of the claim(s) is (or will be) as follows:					
Claim(s) allowed:					
Claim(s) objected to:					
Claim(s) rejected: <u>50-79</u>					
Claim(s) withdrawn from consideration:	_				
8. ☐ The drawing correction filed on is a) ☐ appr	oved or b) disapproved by the	ne Examiner.			
9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)					
0. Other: Ben Heer					
	Bı	ian Hoaly ary Examiner			

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Continuation of 5. does NOT place the application in condition for allowance because: Applicant's arguments regarding the patentability of pending claims have been carefully studied by the examiner. However the claims are still not patentable and the ground of rejection provided in the Final Rejection is upheld by the examiner. Starting on page 13 of the applicant's response, it is argued that the Althaus reference discloses a lens substrate and a convex portion comprising different materials. The examiner respectfully points out that Althaus teaches that the convex portion ("11" Fig. 3) is made from the lens substrate ("10" Fig. 3) by etching process. Therefore, the convex portion and the lens substrate are necessarily of the same material, as previously discussed in the Final Rejection. Further, the applicant argues that "There is no contribution made by the mask layer 13 of Althaus to the formation of the convex portions 11". The examiner respectfully points out that the claims recite "a height of the convex portion being specified on the basis of a thickness of said mask layer." As discussed in the Final Rejection, the height of the mask layer disposed on the convex portion of the lens substrate determines the overall height of the convex portion of the lens substrate in Althaus reference. Therefore the claimed limitations are clearly anticipated by the disclosure of the Althaus reference.

Brian Healy Primary Examiner